

MONTANA LEGISLATIVE HISTORY

Chapter 318 2001

Bill H _____ S 182

Original bill & history ☒ c

H. Committee on Education

Hearing Date(s) _____ c

2/14 ☒ c

_____ c

_____ c

Date Out 3/21 ☒ c

S. Committee on Ed. & Cult. Res.

Hearing Date(s) _____ c

1/19 ☒ c

_____ c

DATE OUT 1/19 ☒ c

Did this bill originate in an interim committee? _____ Yes ☒ No

Committee _____

Report _____

HISTORY AND FINAL STATUS 2001

3/08 Signed by Speaker
 3/09 Transmitted to Governor
 3/13 Signed by Governor
 3/13 Chapter Number Assigned
 Chapter Number 35
 Effective Date: 3/13/2001 - All Sections

31 Introduced by Cobb

LC0452 Drafter: B. Campbell

Include Nonprofit Family Support Services as Industrial Development Projects

1/04	Introduced		
1/04	First Reading		
1/04	Referred to Local Government		
1/11	Hearing		
2/15	Committee Executive Action--Bill Passed as Amended	11	0
2/15	Committee Report--Bill Passed as Amended		
2/19	2nd Reading Passed as Amended on Voice Vote	50	0
2/20	3rd Reading Passed	48	2

	Transmitted to House		
3/03	Referred to Local Government		
3/12	Rereferred to Human Services		
3/19	Hearing		
3/22	Committee Executive Action--Bill Concurred	18	0
3/22	Committee Report--Bill Concurred		
4/04	2nd Reading Concurred	74	25
4/05	3rd Reading Concurred	73	27

Returned to Senate
 4/05 Sent to Enrolling
 4/07 Returned from Enrolling
 4/10 Signed by President
 4/10 Signed by Speaker
 4/13 Transmitted to Governor
 4/23 Signed by Governor
 4/23 Chapter Number Assigned
 Chapter Number 353
 Effective Date: 10/01/2001 - All Sections

58

32 Introduced by Cobb

LC1152 Drafter: McClure

Revise Interlocal Agreements to Include Shared School Positions

1/04	Introduced		
1/04	First Reading		
1/04	Referred to Education and Cultural Resources		
1/19	Hearing		
1/20	Committee Executive Action--Bill Passed	14	0
1/20	Committee Report--Bill Passed		
1/22	2nd Reading Passed on Voice Vote	49	0
1/23	3rd Reading Passed	50	0

	Transmitted to House		
2/01	Referred to Education		
2/14	Hearing		
3/22	Committee Executive Action--Bill Concurred as Amended	18	0
3/23	Committee Report--Bill Concurred as Amended		
3/27	2nd Reading Concurred	100	0
3/28	3rd Reading Concurred	100	0

SENATE BILLS AND RESOLUTIONS

Returned to Senate with Amendments
 3/31 2nd Reading House Amendments Concurred on Voice Vote
 4/02 3rd Reading Passed as Amended by House
 4/02 Sent to Enrolling
 4/03 Returned from Enrolling
 4/06 Signed by President
 4/09 Signed by Speaker
 4/11 Transmitted to Governor
 4/21 Signed by Governor
 4/21 Chapter Number Assigned
 Chapter Number 318
 Effective Date: 4/21/2001 - All Sections

SB 183 Introduced by Cobb

Revise Campaign Contributions by Candidate

1/04	Introduced
1/04	First Reading
1/04	Referred to State Administration
1/16	Hearing
1/19	Tabled in Committee
2/23	Missed Deadline for General Bill Transmittal

SB 184 Introduced by Cobb

Expand Interagency Coordinating Council for Prevention Programs Members

12/05	Fiscal Note Needed
1/04	Introduced
1/04	First Reading
1/04	Referred to State Administration
1/16	Hearing
1/17	Committee Executive Action--Bill Passed
1/18	Committee Report--Bill Passed
1/19	2nd Reading Passed on Voice Vote
1/20	3rd Reading Passed

	Transmitted to House
1/22	Fiscal Note Requested
1/25	Fiscal Note Received
1/25	Fiscal Note Signed
1/26	Fiscal Note Printed
2/01	Referred to State Administration
3/01	Hearing
3/08	Committee Executive Action--Bill Concurred as Amended
3/09	Committee Report--Bill Concurred as Amended
3/21	2nd Reading Concurred
3/22	3rd Reading Concurred

	Returned to Senate with Amendments
3/23	2nd Reading House Amendments Concurred on Voice Vote
3/24	3rd Reading Passed as Amended by House
3/26	Sent to Enrolling
3/26	Returned from Enrolling
3/27	Signed by President
3/31	Signed by Speaker
4/02	Transmitted to Governor
4/06	Signed by Governor
4/06	Chapter Number Assigned
	Chapter Number 215

INTRODUCED BY Cobb Sandra BILL NO. 182
(Primary Sponsor)

A BILL FOR AN ACT ENTITLED: "AN ACT EXPANDING THE INTERLOCAL COOPERATION ACT TO ALLOW SCHOOL DISTRICTS TO SHARE TEACHERS, SPECIALISTS, OR SUPERINTENDENTS; AMENDING SECTIONS 7-11-104, 7-11-105, 20-4-201, AND 20-4-401, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-11-104, MCA, is amended to read:

"7-11-104. Authorization to create interlocal agreements -- issuance of bonds for joint construction -- hiring of teacher, specialist, or superintendent. One or more public agencies may contract with any one or more other public agencies to perform any administrative service, activity, or undertaking or to participate in the provision or maintenance of any public infrastructure facility, project, or service, including the issuance of bonds for the joint construction of a facility under 20-9-404 or the hiring of a teacher or specialist under 20-4-201 or a superintendent under 20-4-401, that any of the public agencies entering into the contract is authorized by law to perform. The contract must be authorized and approved by the governing body of each party to the contract. The contract must outline fully the purposes, powers, rights, obligations, and responsibilities of the contracting parties."

Section 2. Section 7-11-105, MCA, is amended to read:

"7-11-105. Detailed contents of interlocal agreements. The contract authorized by 7-11-104 ~~shall~~ must specify the following:

- (1) its duration;
- (2) the precise organization, composition, and nature of any separate legal entity created ~~thereby~~ by the contract;
- (3) the purpose or purposes of ~~said the~~ the interlocal contract;
- (4) the manner of financing the joint or cooperative undertaking and establishing and maintaining a budget ~~therefor~~ for the undertaking;

(5) the permissible method or methods to be employed in accomplishing the partial or complete termination of the agreement and, if applicable, for disposing of property upon ~~such a~~ partial or complete termination;

(6) provision for an administrator or a joint board responsible for administering the joint or cooperative undertaking, including representation of the contracting parties on ~~said~~ the joint board;

(7) if applicable, the manner of acquiring, holding, and disposing of real and personal property used in the joint or cooperative undertaking;

(8) if applicable, the manner of sharing the employment of a teacher or specialist under 20-4-201 or a superintendent under 20-4-401; and

~~(8)~~(9) any other necessary and proper matters."

Section 3. Section 20-4-201, MCA, is amended to read:

"20-4-201. Employment of teachers and specialists by contract. (1) The trustees of any district ~~shall~~ have the authority to employ any person as a teacher or specialist, but only a person who holds a valid Montana teacher or specialist certificate or for whom an emergency authorization of employment has been issued that qualifies ~~such the~~ person to perform the duties prescribed by the trustees for the position of employment. Each teacher or specialist ~~shall~~ must be employed under written contract, and each contract of employment ~~shall~~ must be authorized by a proper resolution of the trustees and ~~shall~~ must be executed in duplicate by the ~~chairman~~ presiding officer of the trustees and the clerk of the district in the name of the district and by the teacher or specialist.

(2) ~~No A~~ contract of employment with a teacher or specialist ~~shall~~ may not require ~~such the~~ teacher or specialist to teach more than 5 days a week or on any holiday recognized by 20-1-305. ~~No A~~ reduction ~~shall~~ may not be made from a teacher's or specialist's salary by reason of the fact that a holiday falls on a school day. ~~Any A~~ teacher's or specialist's contract made in conflict with the ~~5-days-per-week~~ days-a-week provision of this section ~~shall~~ is not be enforceable against the teacher or specialist.

(3) Whenever the ~~board~~ boards of trustees of two or more school districts form a joint board of trustees under the provisions of 20-3-361 or when the boards of trustees of two or more school districts enter into an interlocal agreement pursuant to Title 7, chapter 11, part 1, to cooperatively share the employment of a teacher or specialist, such the joint board of trustees or the boards of trustees of two or more school districts, pursuant to an interlocal agreement, may execute a contract of employment with

1 a teacher or specialist who shall serve the districts. When ~~such~~ a contract is executed, the districts s
2 prorate the compensation provided by ~~such the~~ contract on the basis of the total number of instructi
3 hours expended by ~~such the~~ teacher or specialist within each district.

4 (4) Any contract executed under the provisions of this section may contain the oath or affirma
5 prescribed in 20-4-104, and the teacher or specialist shall subscribe to ~~such the~~ oath or affirmation be
6 an officer authorized by law to administer oaths."

7
8 **Section 4.** Section 20-4-401, MCA, is amended to read:

9 **"20-4-401. Appointment and dismissal of district superintendent or county high school princ**

10 (1) The trustees of any high school district, except a county high school, and the trustees of
11 elementary district where its high school building is located shall jointly employ and appoint a dis
12 superintendent. The trustees of a county high school shall employ and appoint a district superintend
13 except that they may employ and appoint a holder of a class 3 teacher certificate with a dis
14 superintendent endorsement as the county high school principal in lieu of a district superintendent.
15 trustees of any other district may employ and appoint a district superintendent.

16 (2) Whenever a joint board of trustees has been formed by a county high school and
17 elementary district where the county high school is located, ~~such the~~ joint board shall jointly employ
18 appoint a district superintendent. During the term of contract of the jointly appointed dis
19 superintendent, neither district ~~shall may~~ separately employ and appoint a district superintendent or cou
20 high school principal.

21 (3) School districts other than those provided in subsection (2) that form a joint board of trust
22 or the boards of trustees of two or more districts may jointly employ and appoint a district superintend
23 as allowed in 20-3-362, or may enter into an interlocal agreement pursuant to Title 7, chapter 11,
24 1, to cooperatively share the employment of a district superintendent.

25 (4) The written contract of employment of a district superintendent or a county high scl
26 principal ~~shall must~~ be authorized by the proper resolution of the trustees of the district or the joint bo
27 of trustees and executed in duplicate by the ~~chairman~~ presiding officer of the trustees or joint boar
28 trustees and the clerks of the districts in the name of the districts and by the district superintendent or
29 county high school principal. ~~Such The~~ contract ~~shall must~~ be for a term of not more than 3 years,
30 after the second successive contract, the contract ~~shall be deemed~~ is considered to be renewed f

ther term of 1 year from year to year ~~thereafter~~ unless the trustees ~~shall~~, by resolution passed by a majority vote of its membership, resolve to terminate the services of the district superintendent or the county high school principal at the expiration of ~~his~~ the existing contract. The trustees shall take ~~such~~ the termination action and notify the district superintendent or the county high school principal in writing of their intent to terminate ~~his~~ the superintendent's or principal's services at the expiration of ~~his~~ the superintendent's or principal's current contract not later than February 1 of the last year of ~~such~~ the contract.

(5) Whenever a joint board of trustees or the boards of trustees of two or more districts employs a person as the district superintendent under subsection (2) or (3), the districts shall prorate the compensation provided by the contract of employment on the basis of the number of teachers employed in each district.

(6) At any time the class 3 teacher certification or the endorsement of the certificate of a district superintendent or a county high school principal that qualifies ~~such~~ the person to hold ~~such~~ the position becomes invalid, the trustees of the district or the joint board of trustees shall discharge ~~such~~ the person as the district superintendent or county high school principal regardless of the unexpired term of ~~his~~ the contract. The trustees ~~shall~~ may not compensate ~~him~~ the superintendent or principal under the terms of the contract for any services rendered subsequent to the date of the invalidation of ~~his~~ the teacher certificate.

(7) ~~No~~ A district superintendent or county high school principal ~~shall~~ may not engage in any work activity ~~which~~ that the trustees ~~may deem~~ consider to be in conflict with ~~his~~ the duties and employment of the district superintendent or county high school principal."

NEW SECTION. **Section 5. Effective date.** [This act] is effective on passage and approval.

- END -

LEGISLATIVE HISTORIES SINCE 1997

The scope and depth of legislative committee minutes varies by year and by committee. If you would like additional information about a hearing, you may want to determine whether the hearing was recorded. In addition, some recent floor debates were also recorded. For information on accessing or purchasing these recordings, contact the Historical Society Archives at 406-444-4774.

If you have concerns regarding the format of the enclosed committee minutes or the recordings of the hearings, it is suggested that you contact your state legislators.

MINUTES

**MONTANA SENATE
57th LEGISLATURE - REGULAR SESSION
COMMITTEE ON EDUCATION AND CULTURAL RESOURCES**

Call to Order: By **CHAIRMAN BILL GLASER**, on January 19, 2001 at 3:00 P.M., in Room 405 Capitol.

ROLL CALL

Members Present:

Sen. Bill Glaser, Chairman (R)
Sen. Jack Wells, Vice Chairman (R)
Sen. John C. Bohlinger (R)
Sen. Edward Butcher (R)
Sen. John Cobb (R)
Sen. Jon Ellingson (D)
Sen. Jim Elliott (D)
Sen. Alvin Ellis Jr. (R)
Sen. Sam Kitzenberg (R)
Sen. Don Ryan (D)
Sen. Debbie Shea (D)
Sen. Mike Sprague (R)
Sen. Mignon Waterman (D)

Members Excused: Sen. Dale Berry (R)

Members Absent: None.

Staff Present: Linda Ashworth, Committee Secretary
Eddie McClure, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 182, 1/11/2001; SB 130,
1/11/2001

Executive Action: SB 182; SB 214; SB 60; SB 231

HEARING ON SB 182

Sponsor: SEN. JOHN COBB, SD 25, Augusta

Proponents: Lance Melton, Montana School Boards Association

Erik Burke, Montana Education Association/Montana
Federation of Teachers

Opponents: None

Opening Statement by Sponsor:

SEN. JOHN COBB, SD 25, Augusta, opened on SB 182 stating that the bill is an act allowing school districts to share teachers, specialists and superintendents without forming a joint school board.

{Tape : 1; Side : A; Approx. Time Counter : 1 - 3}

Proponents' Testimony:

Lance Melton, Montana School Boards Association, avowed the bill provides clarification of existing laws.

Eric Burke, Montana Education Association/Montana Federation of Teachers, concurred with Mr. Melton's testimony.

{Tape : 1; Side : A; Approx. Time Counter : 3 - 5}

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

SEN. COBB closed on SB 182.

{Tape : 1; Side : A; Approx. Time Counter : 5 - 6}

EXECUTIVE ACTION ON SB 182

Motion/Vote: SEN. BOHLINGER moved that SB 182 DO PASS. Motion carried unanimously.

{Tape : 1; Side : A; Approx. Time Counter : 6 - 7}

EXECUTIVE ACTION ON SB 214

Motion: SEN. SHEA moved that SB 214 DO PASS.

Discussion:

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON EDUCATION

Call to Order: By VICE CHAIRMAN KATHLEEN GALVIN-HALCRO, on
February 14, 2001 at 3:00 P.M., in Room 137B Capitol.

ROLL CALL

Members Present:

Rep. Gay Ann Masolo, Chairman (R)
Rep. Kathleen Galvin-Halcro, Vice Chairman (D)
Rep. Joan Andersen (R)
Rep. Norma Bixby (D)
Rep. Gary Branae (D)
Rep. Nancy Fritz (D)
Rep. Verdell Jackson (R)
Rep. Hal Jacobson (D)
Rep. Larry Lehman (R)
Rep. Jeff Mangan (D)
Rep. Joe McKenney (R)
Rep. John Musgrove (D)
Rep. Alan Olson (R)
Rep. Ken Peterson (R)
Rep. Butch Waddill (R)
Rep. Allan Walters (R)
Rep. Merlin Wolery (R)

Members Excused: None

Members Absent: Rep. Bob Lawson, Vice Chairman (R)

Staff Present: Connie Erickson, Legislative Branch
Nina Roatch, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 182, 2/2/2001; SB 215,
2/2/2001; HB 488, 2/5/2001
Executive Action: HB 483; HB 488; SB 214

he asked that **REPRESENTATIVE BARRETT** carry the bill to the house.

HEARING ON SB 182

Sponsor: SENATOR JOHN COBB, SD 25, Augusta

Proponents: Bob Vogel, MSBA

Opponents: None

Opening Statement by Sponsor:

SENATOR JOHN COBB, SD 25, Augusta, said the purpose of the bill was to make clear to school districts that the law allows them to share teachers, specialists, and superintendents. There are locations where this is being done now, but it is not very clear to school boards how the teachers, administrative services, or services related to purchasing can be used in an interlocal way. The bill clarifies to schools that they can share personnel and purchasing abilities. The bill makes clear that boards can share special education. Most areas do not want to form joint school boards and this bill does not request it.

Proponents' Testimony:

Bob Vogel, MSBA, said his organization appreciates the senator's efforts in looking at very difficult staffing issues in the schools, those of hiring teachers, specialist and administrators. The bill will provide options for school districts that are struggling with recruiting qualified individuals to fill these positions. The bill also helps school districts who are struggling with scarce resources to cooperate with other districts in providing needed school services. Please give school districts the ability to enter into interlocal cooperative agreements.

Opponents' Testimony: None

Questions from Committee Members and Responses:

REPRESENTATIVE OLSON questioned Erik Burke. How will this affect local negotiations if two schools are sharing a teacher and you have two different bargaining units: Is this negotiated outside either one of those bargaining agreements? Mr. Burke said his understanding is that part of the interlocal agreement would be actual bargaining language from one or the other districts, or, the employee would bargain with one district and be on a contract

with the other district that would be moved from the bargaining of the other district. Best he could tell the committee right now. **REPRESENTATIVE OLSON** asked if a teacher was hired under a cooperative agreement under one negotiated agreement, the other district cannot challenge it? The question was deferred to **Mr. Vogel**. He said the negotiations would take place with the individual and the individual would be under contract with two or more of the districts. The interlocal agreement would have one agreement with the teacher. **SENATOR COBB** was asked for his answer to that question. He said it could be handled as has been suggested. He believes one district would not hire a teacher the second district didn't want to work with. If a teacher is under one union agreement and works in the second school district, it will have to be worked out in their interlocal agreement. It is being done now with districts sharing superintendents. The union will protect their own people. **REPRESENTATIVE OLSON** had another question for the **SPONSOR**. This would not be a cooperative agreement handling the teacher; the teacher would be on staff at one of the other schools? The **SPONSOR** said it could be however the two schools want it to be. The teacher involved would have to agree. It is possible a bargaining unit could have something on how this is to be done, if schools do share a teacher. At present he knows of an instance where this is being done.

REPRESENTATIVE OLSON asked the **SPONSOR** if it would be at the discretion of the two boards and they could hire a teacher under one of the two districts or they could set up a cooperative agreement between the two of them. The **SPONSOR** said they have to set up the cooperative agreement just to hire the teacher and they have to get the teacher to agree also. If there is some kind of bargaining terms out there that the union has on how this is suppose to be set up that would come into play also. Basically they are not trying to change anything going there, they are just saying the agreement is possible.

REPRESENTATIVE MANGAN asked the **SPONSOR** if it is possible for school districts to contract for services without hiring? The **SPONSOR** deferred the question to **Mr. Vogel**. **Mr. Vogel** said it is possible for school districts to contract with individuals who are non certified. If they are members of the certified staff, those agreements are governed by their negotiated agreement.

REPRESENTATIVE MANGAN said he was thinking about the discussion they had in the past about audiologist and other specialists that are in short supply, particularly in rural Montana. Can those types of services be contracted, currently? **Mr. Vogel** said, yes they can. This bill actually goes a long way in clarifying what can be done and the individuals that can be involved. It happens now under cooperative agreements between school districts that share those relatively scarce resources of specialists.

REPRESENTATIVE MANGAN asked if school districts can currently

contract for those specialized services and pool their resources but not hire the individual. Would that mean the specialist is contracted for the service? **Mr. Vogel** said he thought the answer was no. They have to be governed under a negotiated agreement and usually an interlocal or cooperative agreement will reference, in fact, a negotiated agreement in one district or another or a series of districts. That would be reference in the interlocal or cooperative agreement. **REPRESENTATIVE MANGAN** asked if it is possible now for school to contract for services as an independent contractor and not as an employee? **Mr. Vogel** said that his understanding is that if that individual is a non-certified employee they can probably do that, if it isn't governed under a negotiated agreement by a bargain unit. **REPRESENTATIVE MANGAN** asked if that meant people like audiologists and counselors are considered non certified? Where do they fit into the agreements? **Mr. Vogel** deferred the question to **Mr. Cooper**. **Mr. Cooper** said the audiologist would fit in exactly where you are going. The school counselor as opposed to a school psychiatrist would have to be certified and the school psychiatrist would be non-certified. Schools can share contracted services for those kinds of a non-certified employees. **REPRESENTATIVE MANGAN** asked if those kinds of people are considered services in this bill. Are these people covered in this bill or is an amendment needed to speak to their services? **Mr. Cooper** said he believes they are covered. In **SENATOR COBB'S** opening remarks he said this bill is to clarify for law what many school districts are doing currently. Depending on the wishes of the **SPONSOR**, if that would add clarity to it, it could be amended. **REPRESENTATIVE MANGAN** asked the **SPONSOR** if there is another section of law where those other specialists can be contracted for without necessarily being employees of the district and, if not, would you consider looking at this bill to cover this? The **SPONSOR** said he believes that legal services should be asked that question and if they are not covered, then it should be added. He wants the bill clear, but he wants it to allow school districts to reach agreement without a lot of details.

REPRESENTATIVE LEHMAN had a question for **Mr. Cooper**. Would you suppose that **REPRESENTATIVE MANGAN** is asking about coops that are formed to which school districts subscribe, such as Big Sky Special Ed Coop, and there are curriculum coops, and school districts contract with these coops that are formed and the coops hire the specialists, to which he is referring, such as psychiatrists and audiologists? **Mr. Cooper** said that all the things **REPRESENTATIVE LEHMAN** said are true, but he thinks that **REPRESENTATIVE MANGAN** is going beyond those traditional coops. He is referring to more than the relationships that are going on at present. **REPRESENTATIVE LEHMAN** asked, are those kind of coops

covered under a statute or are they just something that school districts evolved into doing over the course of time? They have been going on for years and years. **Mr. Cooper** responded that it is in statute.

{Tape : 1; Side : B}

REPRESENTATIVE JACKSON had a question for **Mr. Cooper**. Is there anything to prevent school districts from sharing students? If there was an autistic student in one school with a teacher hired to teach him, and another school had an autistic student and the school there had hired a teacher for that student, could one district transport its autistic student to the other school so that you would have one teacher teaching two autistic students? **Mr. Cooper** said the short answer to the question is yes, they could, but it would need the agreement between both school districts and the parents involved. Yes, that can happen.

Closing by Sponsor:

SENATOR COBB said the committee can amend the bill if they see fit.

At this point in the meeting, **REPRESENTATIVE GAY ANN MASOLO** returned and assumed the duties of chairman.

EXECUTIVE ACTION ON SB 214

REPRESENTATIVE GALVIN-HALCRO moved that **SB 214 BE CONCURRED IN**.

Discussion: None

Motion/Vote: **REP. GALVIN-HALCRO** moved that **SB 214 BE CONCURRED IN**. Motion passed unanimously.

EXECUTIVE ACTION ON HB 488

REPRESENTATIVE WOLERY moved that **HB 488 DO PASS**.

Discussion:

REPRESENTATIVE ANDERSEN said she wanted to present a scenario to **REPRESENTATIVE WOLERY** in her district where she lives they have a lot of schools. Her home district has two districts, an elementary and a high school district. The elementary district is different because there is a one room elementary school five miles down the road. What would happen if those two elementary districts decided to consolidate, but maintain two separate

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON EDUCATION

Call to Order: By CHAIRMAN GAY ANN MASOLO, on March 21, 2001 at 3:12 P.M., in Room 137B Capitol.

ROLL CALL

Members Present:

Rep. Gay Ann Masolo, Chairman (R)
Rep. Kathleen Galvin-Halcro, Vice Chairman (D)
Rep. Bob Lawson, Vice Chairman (R)
Rep. Joan Andersen (R)
Rep. Gary Branae (D)
Rep. Nancy Fritz (D)
Rep. Verdell Jackson (R)
Rep. Hal Jacobson (D)
Rep. Larry Lehman (R)
Rep. Jeff Mangan (D)
Rep. Joe McKenney (R)
Rep. John Musgrove (D)
Rep. Alan Olson (R)
Rep. Ken Peterson (R)
Rep. Butch Waddill (R)
Rep. Allan Walters (R)
Rep. Merlin Wolery (R)

Members Excused: Rep. Norma Bixby (D)

Members Absent: None.

Staff Present: Connie Erickson, Legislative Branch
Nina Roatch, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SJ 10, 3/5/2001; SB 404,
3/5/2001
Executive Action: SJ 10; SB 35; SB 423; SB 182;
HJ 35

EXECUTIVE ACTION ON SB 182

Motion: REP. MANGAN moved that SB 182 BE CONCURRED IN.

Discussion:

REPRESENTATIVE MANGAN reviewed the bill for the committee. The bill will allow, in particular rural districts, to work together to hire a teacher, specialist or superintendent so they can share the services and thus save the districts some money. He sees it as a good idea, particularly when teacher shortage is an issue. Rural districts also have a difficult time filling the position of specialists in the speech and hearing areas. The way the current bill is written, sharing these positions would not be allowed. That is not part of the original bill. He is offering amendments that would allow for inter-local cooperation in the joint hiring or joint contracting for those additional specialists that school districts need to utilize and work with. We have a shortage of those people in the areas mentioned. He has talked to Lance Melton and Bob Vogel and they weren't sure there was a need for the amendment. Maybe schools can do this now, but he wants to be sure they can. Amendments were handed out. (SB018201.ace) EXHIBIT(4)

Motion: REP. MANGAN moved that AMENDMENT TO SB 182 BE ADOPTED.

Discussion:

REPRESENTATIVE MANGAN said the amendment expands the ability of districts to work together to hire qualified people, regardless of their title.

REPRESENTATIVE LEHMAN said the term specialists in the title, in his opinion, would cover the kinds of people that REPRESENTATIVE MANGAN was talking about. That is his impression.

REPRESENTATIVE MANGAN said that was his initial belief, but apparently that is not true. Specialists refers to course specialists, like a reading specialist.

Connie Erickson said that her understanding is that a speech pathologist can be certified with a special certification. What the amendment would cover could be a school nurse. Nurses are not termed as certified. Perhaps a psychologist, a social worker, or a licensed counselor would fit into the wording of the amendment.

REPRESENTATIVE MANGAN said he knows there is question about the need for the amendment, but he would rather be safe than sorry.

Motion/Vote: REP. MANGAN moved that AMENDMENT TO SB 182 BE ADOPTED. Motion carried unanimously.

Motion/Vote: REP. MANGAN moved that SB 182 BE CONCURRED IN AS AMENDED. Motion carried unanimously.

REPRESENTATIVE MANGAN WILL CARRY THE BILL.